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Resolve, To Study Adoption Laws and Practices

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Adoption Laws and Practices Task Force is created to review and make recommendations about adoption laws and practices; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted during the next legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1 Task force established. Resolved: That the Adoption Laws and Practices Task Force, referred to in this resolve as "the task force," is established; and be it further

Sec. 2 Task force membership. Resolved: That the task force consists of 17 members appointed as follows:

1. One member of the Senate, appointed by the President of the Senate;
2. Two members of the House of Representatives, appointed by the Speaker of the House of Representatives;
3. Two members representing adoptees, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives;
4. Two members representing adoptive parents, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives;
5. Two members representing birth parents, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives;
6. Two members representing adoption agencies or other entities providing adoption services, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives;
7. Two members representing lawyers with experience in adoption law, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives;
8. Two members representing probate courts and probate registers, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives;
9. The Commissioner of Health and Human Services or the commissioner's designee; and
10. The Attorney General or the Attorney General's designee; and be it further

Sec. 3 Chairs. Resolved: That the Senate member is the Senate chair of the task force and the first-named House of Representatives member is the House chair of the task force; and be it further

Sec. 4 Appointments; convening of task force. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the task force, which may be no later than September 15, 2007; and be it further

Sec. 5 Duties. Resolved: That the task force shall conduct a review of adoption laws and practices and propose a comprehensive public policy addressing the issues involved in adoption laws and practices.

1. The task force shall:

A. Identify laws that relate to adoption;

B. Identify court jurisdiction over adoption-related issues;

C. Review paternity issues;

D. Consider appropriate accessibility to birth and family information, consistent with existing and proposed federal requirements and identity theft concerns;

E. Determine the relation of the “safe haven” law to adoption issues;

F. Identify all interests affected by adoption laws and practices;

G. Review trends in other states concerning adoption laws and practices;

H. Propose an adoption public policy blueprint; and

I. Draft a comprehensive revision of all adoption laws consistent with the adoption public policy blueprint.

2. The task force may:

A. Hold informational sessions and discussions with experts, interested parties and practitioners; and

B. Hold a public hearing in Augusta; and be it further

Sec. 6 Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the task force; and be it further

Sec. 7 Compensation. Resolved: That the legislative members of the task force are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the task force. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the task force; and be it further

Sec. 8 Report. Resolved: That, no later than December 5, 2007, the task force shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Judiciary and the Legislative Council. The task force is authorized to introduce legislation related to its report to the Second Regular Session at the time of submission of its report; and be it further

Sec. 9 Extension. Resolved: That, if the task force requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension; and be it further

Sec. 10 Task force budget. Resolved: That the chairs of the task force, with assistance from the task force staff, shall administer the task force's budget. Within 10 days after its first meeting, the task force shall present a work plan and proposed budget to the Legislative Council for its approval. The task force may not incur expenses that would result in the task force's exceeding its approved budget. Upon request from the task force, the Executive Director of the Legislative Council shall promptly provide the task force chairs and staff with a status report on the task force budget, expenditures incurred and paid and available funds.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This resolve creates the Adoption Laws and Practices Task Force. The task force consists of 3 Legislators and 14 other members representing various participants in the adoption process. The task force is charged with reviewing all the laws and practices relating to adoption, proposing a revision of the laws and proposing a comprehensive public policy concerning adoption.